UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 0 2 2006

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

In re Application of :
Abbott, et al. : LETTER REGARDING PTA
Application No. 09/931,635 :
Filed: August 16, 2001 :
Atty. Dkt. No.: 032026:0573 :

This letter is in response to the "STATEMENT REGARDING PATENT TERM ADJUSTMENT" filed May 8, 2006. The Office thanks applicants for their good faith and candor in bringing this to our attention. No fee is due in connection with this matter.

The correct Patent Term Adjustment ("PTA") at the time of the issuance is ~~354~~ 392 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the instant letter reflects an adjustment of 392 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

The Determination of Patent Term Adjustment mailed April 21, 2006 indicated that at the time of allowance, the above-identified application was entitled to an adjustment of 396 days.

Applicants, however, indicate that the proposed adjustment of 396 days disagrees with applicants' own calculation, and request verification of the calculation.

A review of the application history reveals that at the time of allowance an adjustment of 552 days can be attributed to the Office. An adjustment of 530 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1). A further adjustment of 22 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2) and 1.703(a)(2).

The adjustment of 552 days is properly reduced a total of 160 days for applicants' failure to engage in reasonable efforts to conclude prosecution (or processing) within the meaning of 37 CFR 1.704.

The adjustment of 552 days is properly reduced four days in accordance with 37 CFR 1.704(b). The adjustment began December 28, 2001, the day after the date that is three months after the date

the Notice to File Missing Parts was mailed, and ended December 31, 2001, the date a reply thereto was filed.

The adjustment of 552 days is further reduced 30 days in accordance with 37 CFR 1.704(b). The reduction began June 30, 2004, the day after the date that is three months after the date the non-final rejection was mailed, and ended July 29, 2004, the date a response thereto was filed.

The adjustment of 552 days is further reduced 36 days in accordance with 37 CFR 1.704(b). The reduction began January 26, 2005, the day after the date that is three months after the date that the second non-final rejection was mailed, and ended March 2, 2005, the date a response thereto was filed.

The adjustment of 552 days is further reduced 90 days in accordance with 37 CFR 1.704(b) in connection with the amendment filed November 30, 2005. The adjustment began September 2, 2005, the day after the date that is three months after the date the final rejection was mailed, and ended November 30, 2005, the date the amendment placing the application in condition for allowance was filed.

In view thereof, at the time of allowance, the application was entitled to an adjustment of 392 days.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

As this letter was submitted as an advisement to the Office of an error in applicants' favor, no fee is due in connection with this matter.

The application is being directed to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

/Kery A Fries/

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Saturday
Date: 9/30/2006

PALM INTRANET

Time: 14:36:27

PTA Calculations for Application: 09/931635			
Application Filing Date:	08/16/2001	PTO Delay (PTO):	552
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	156
Post-Issue Petitions:	0	Total PTA (days):	392
PTO Delay Adjustment:	-4		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
51	09/30/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
44	04/21/2006	MAIL NOTICE OF ALLOWANCE	22		35
43	03/30/2006	ISSUE REVISION COMPLETED			
42	03/30/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	03/30/2006	CASE DOCKETED TO EXAMINER IN GAU			
40	10/26/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
39	03/28/2006	NOTICE OF ALLOWABILITY			
38	02/06/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
37	12/05/2005	NOTICE OF APPEAL FILED			
36	03/08/2006	DATE FORWARDED TO EXAMINER			
35	11/30/2005	AMENDMENT AFTER FINAL REJECTION		90	27
34	11/30/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	10/26/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
29	08/02/2005	DATE FORWARDED TO EXAMINER			
28	07/25/2005	AMENDMENT AFTER FINAL REJECTION			
27	06/01/2005	MAIL FINAL REJECTION (PTOL - 326)			
26	08/02/2005	FINAL REJECTION			
23	03/15/2005	DATE FORWARDED TO EXAMINER			
22	03/02/2005	RESPONSE AFTER NON-FINAL ACTION		36	20
21	03/02/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	10/25/2004	MAIL NON-FINAL REJECTION			
19	10/22/2004	NON-FINAL REJECTION			

18	08/10/2004	DATE FORWARDED TO EXAMINER			
17	07/29/2004	RESPONSE AFTER NON-FINAL ACTION		30	14
16	07/29/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
15	07/29/2004	WORKFLOW INCOMING AMENDMENT IFW			
14	03/29/2004	MAIL NON-FINAL REJECTION	530		-1
13	03/22/2004	NON-FINAL REJECTION			
12	10/22/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	07/06/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	12/10/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	10/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
8	01/09/2002	TRANSFER INQUIRY TO GAU			
7	01/08/2002	APPLICATION DISPATCHED FROM OIPE			
6	01/04/2002	APPLICATION IS NOW COMPLETE			
5	09/27/2001	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	09/26/2001	CORRESPONDENCE ADDRESS CHANGE			
3	09/25/2001	CORRESPONDENCE ADDRESS CHANGE			
2	08/22/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/16/2001	INITIAL EXAM TEAM NN			

Search Another: Application# [] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page